

AMENDED IN ASSEMBLY APRIL 28, 2003

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 613**

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**Introduced by Assembly Member Campbell**

February 19, 2003

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An act to add Section 17582 to the Government Code, relating to state-mandated local programs.

### LEGISLATIVE COUNSEL'S DIGEST

AB 613, as amended, Campbell. State-mandated local programs: funding.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs of implementing a new program or higher level of service mandated by the state. Existing law provides that, subject to specified circumstances and exceptions, no local agency is required, during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year, to implement or give effect to any statute or executive order that has been determined by the Legislature, the Commission on State Mandates, or any court to constitute a new program or higher level of service requiring reimbursement of local agencies and school districts pursuant to the California Constitution.

This bill would provide that, if a local agency or school district has failed, for a period of at least 2 years, to receive full funding to implement or give effect to a statute or executive order that has been

determined by the Legislature, the commission, or any court to mandate a new program or higher level of service requiring reimbursement pursuant to the California Constitution, ~~that agency or district is not required to implement or give effect to that statute or executive order but may provide funding of its own to implement or give effect to that statute or executive order. The bill also would provide that, notwithstanding any other provision of law or provision of an applicable city charter, a city may decide to not implement or give effect to a statute or executive order for which it has not received full funding, or to provide funding of its own, only by a majority vote of the legislative body of the city and if the appropriate governing body of the local agency or school district by majority vote decides not to implement or give effect to that statute or executive order, the mandate imposed by that statute or executive order shall be inapplicable as to that jurisdiction unless the Legislature re-enacts or the Governor re-issues the mandate.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17582 is added to the Government
- 2 Code, to read:
- 3 17582. ~~(a) If Notwithstanding any other provision of law or~~
- 4 ~~provision of an applicable city or county charter, if a local agency~~
- 5 ~~or school district has failed, for a period of at least two years, to~~
- 6 ~~receive full funding to implement or give effect to a statute or~~
- 7 ~~executive order that has been determined by the Legislature, the~~
- 8 ~~commission, or any court to mandate a new program or higher~~
- 9 ~~level of service requiring reimbursement pursuant to Section 6 of~~
- 10 ~~Article XIII B of the California Constitution, that agency or~~
- 11 ~~district is not required to implement or give effect to that statute~~
- 12 ~~or executive order but may provide funding of its own to~~
- 13 ~~implement or give effect to that statute or executive order.~~
- 14 ~~(b) Notwithstanding any other provision of law or provision of~~
- 15 ~~an applicable city charter, if a city fails to receive full funding to~~
- 16 ~~implement or give effect to a statute or executive order as~~
- 17 ~~described in subdivision (a), the city may decide to not implement~~
- 18 ~~or give effect to, or to provide funding of its own to implement or~~
- 19 ~~give effect to, that statute or executive order only by a majority~~

1 ~~vote of the legislative body of the city.~~ *California Constitution,*  
2 *and if the appropriate governing body of the local agency or school*  
3 *district by majority vote decides not to implement or give effect to*  
4 *that statute or executive order, the mandate imposed by that statute*  
5 *or executive order shall be inapplicable as to that jurisdiction*  
6 *unless the Legislature re-enacts or the Governor re-issues the*  
7 *mandate.*

